

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

ALBERT FORD,)
Plaintiff,)
)
v.)
)
BRUCE GELB, et al.,)
Defendants.)

No. 1:12-cv-12079-WGY

**MOTION FOR EXTENSION OF TIME TO
COMPLETE FACT DISCOVERY AND FILE DISPOSITIVE MOTIONS**

Defendants Bruce Gelb, Michael Rodrigues, and Osvaldo Vidal request this Court issue a three-week extension to complete fact discovery, up to and including **May 17, 2013**. Defendants further request an additional two weeks after the close of discovery in which to file any dispositive motions, up to and including **May 31, 2013**. Defendants also request that the final pretrial conference, currently scheduled to occur on or after May 10, 2013, be rescheduled appropriately. As grounds therefor, Defendants state as follows:

1. Plaintiff Albert Ford is a detainee in the custody of the Department of Correction (“Department”), at the Souza Baranowski Correctional Center (“SBCC”). Ford claims that SBCC officials impermissibly placed him in segregation for a short period of time. The current deadline for fact discovery and the filing of dispositive motions is April 26, 2013. (Docket #25).
2. Ford’s attorneys have already conducted voluminous paper discovery and deposed eight Department employees in connection with this litigation. A ninth deposition—of Defendant Gelb—had to be rescheduled for Monday, April 29th because of recent terrorist attacks in the City of Boston.
3. Two depositions pursuant to Fed. R. Civ. P. 30(b)(6)—of Assistant Deputy Commissioner of Classification, Programs, and Reentry Carol Mici and Health Services

Regional Administrator Linda Hermann-Gomes, R.N.—have not been completed but are in the process of being scheduled. One fact witness—Correction Officer William Colon—was deposed for approximately five hours but his deposition remains open.

4. Defendants have completed their discovery. An extension of three weeks is needed to complete a small amount of Ford's outstanding paper discovery and the four depositions mentioned above. While it may be possible to complete remaining fact discovery in an even shorter amount of time, counsel for Defendants note that oral argument in Ford v. Bender (C.A. Nos. 12-1622 and 12-2142) is scheduled in the First Circuit on May 8th, and counsel for both parties need adequate time to prepare.
5. Further, Defendants oppose any extension of expert discovery that Ford's attorneys may seek. Ford's disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)(A-B) was due on March 22nd. (Docket #25). In the spirit of cooperation, Defendants granted Ford's request for a one-week extension to March 29th. As of the date of this filing, Ford's attorneys have neither made expert disclosures nor indicated that they have even retained an expert.

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

Dated: April 26, 2013

/s/Richard E. Gordon
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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

Dated: April 26, 2013

/s/Richard E. Gordon

Richard E. Gordon

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that Defendants' counsel has conferred with Plaintiff's counsel in a good-faith attempt to resolve and narrow the issues presented in this motion.

Dated: April 26, 2013

/s/Richard E. Gordon

Richard E. Gordon